

Mr. Michaels explained what a floor area ratio was - a total floor area of a building to the total lot area. A floor area ratio of .5 or 50 percent is the lot area that can be used as a total amount of floor area of all floors of the home. It is most commonly used for non-residential properties and it is to limit the intensity of the use of the property. A number of communities, Chatham Borough being one of them, have residential FAR. He had a problem with some of those because what you have to do is to establish what you need as floor area. For example, enclosed garage space that is attached to the building would that be considered part of the FAR. Finished basements, partial attic space, is that part of the sq. ft. In Chatham Borough they count covered porch areas. If there are homes that are being constructed that are too large for the lots there are better ways to control that is to control the specific issues such as side yard setbacks. Sometimes you could have site where additions have to be setback further than the first floor so as not to overwhelm the properties or lot coverage. There could be graduated lot coverage depending on the size of the

lot. It would not be a percentage for the entire zone but just graduated depending on lot size.

FAR on a residential property doesn't really control what you may want it to. For example in the Chatham Borough Code they have a very detailed definition of what is considered FAR which is different on non-residential properties. In any horizontal floor space under the roof of any structure and supported by columns and not have any walls measurements may be calculated using the outer most extremities. They are penalizing people who may have open porches. It was his opinion that it wasn't a good method of controlling the intensity of a residential area because it doesn't really attack what you may perceive as the problem.

Mr. Shaw said the question basically arise from properties in various zones which are being redeveloped and built to the maximum zone potential. What other mechanism other than FAR could you suggest.

Mr. Michaels if you think that they are overwhelming the properties on either side of them then there could be a step setback where any addition of the upper/second floors be further back than the first floor side yard setback.

There can be a combined side yard as a percentage so they wouldn't have the same setback.

Comment: The way it is now it appears that the houses are being built to the maximum.

Mr. Michaels thought if that was the issue then maybe we need to have larger side yard setbacks. If someone wants to increase their FAR and want to build to the rear where it won't impact the neighbors would there be a problem. The problem seems to be a minimum requirement.

Comment: Example – let's say that you had a home on a sloping lot and the basement is exposed to the rear when they finish that – is that counted? If it is not finished do you count that? There are a lot of issues that really come up.

Mr. Michaels wasn't in favor of them because it never seems to attack the issue.

Mr. Shaw asked if Mr. Michaels was suggesting is that the basic zoning standard should be reviewed.

Mr. Michaels gave some examples.

Mr. Weston thought we were talking about recommending a technique rather than a solution. The problem that he had was the house that was not built to its full zoning potential. That is why we have knock downs and the replacements are so much larger. What we are looking at here is a possibly a recommendation.

Mr. Shaw noted that last year our comment was that consideration be given to an ordinance regulating the massiveness of homes constructed when properties are redeveloped. We can certainly include consideration of FAR as a mechanism for doing that. If the Board was inclined to feel that it continues to be an issue to be addressed we can basically include that same language as we did last year including but not limited to consideration in the potential FAR ordinances.

Mr. Vivona was thinking of coming up with a ratio or lot size to side yard setbacks keeping the 50 ft. front yard setback constant. If you have a 300 ft. wide lot than you really can't have a fifteen foot setback. The higher the ratio is for the setback could keep the houses size in line. Maybe just keep the front/rear setbacks constant and have a ratio for the width of lot to side yard setback.

Mr. Michael thought that was one way. The standard is 30 percent in the R3 zone (15 on each side). Coverage would depend on the size of the lot.

Mr. Shaw so it is essentially regulating it currently based on structural coverage based on the size of the lot?

Mr. Michaels agreed. Basically the larger the lot size less coverage percentage wise.

Mr. Shaw said at this point it is really our comment to the Planning Board and Township Committee. We have not had any response from last year but our thought is we made specific recommendations it might get some different review.

Mr. Hyland said he thought that we were not getting any comments when on the site view.

Mr. Michael said that one other thing to keep in mind when you are talking FAR when someone needs a variance from that it is no longer a C variance but becomes a D variance as per MLUL.

Mr. Shaw, assuming the Board still feels the same as last year we can include the language from last year and certainly ask the Planning Board to look at the impact for FAR as a potential mechanism. Also, the potential of as suggested by the Chairman, the ratio of the width of the lot to the side yard setbacks as a further potential mechanism. All we are doing is making recommendations to the Planning

Board and the Township Committee. Last year was a general suggestion but this year we can be more specific certainly noting the concerns that Bob had.

Mr. Michaels said one other thing he had mentioned is that you have to define what is FAR. A lot of new homes now have 3 car garages and in many ordinances that is not covered.

Mr. Vivona said it sounded as if we have to have – the floor area ratio is just a ratio but if we come up with specifics that we feel fit our town we could make our own rules and ways of measuring it.

Mr. Michaels agreed. You would have to decide what you are trying to control.

Mr. Borsinger suggested looking at houses that have been built over the last few years to determine which ones would be affected by FAR.

Mr. Vivona said he thought that about seventy-five percent of the new mega homes going up all have finished basement/garages under the house. Very few people don't want to use up building space and therefore put garages underneath these massive houses. Going with how the buildings are going now that would be something that would be in the architecture. For the newer homes you would have to consider a finished basement in the ratio because that is what is being built and they are utilizing that space for many functions.

Mr. Shaw – getting back to where we at – what we are looking to do is to see if there are any comments in addition to forwarding the report. We could ask the governing body to consider the impact. It is basically the Planning Board/Township Committee's function to do ordinances but if the Board is so inclined we can certainly include a request that the Township Committee/Planning Board consider using a FAR to address the redevelopment problems in the Township. They will have to weigh the various criteria and decide whether to perfect it or not.

Mr. Borsinger said he would like to see something like that. Also maybe something to the effect to that it would help to keep the diversity of housing in town.

Mr. Shaw said we currently have "the purposes to promote a desirable, visual environment and the preservation of a variety of housing". Diversity vs. Variety.

Mr. Shaw asked if the Board wanted to basically restate its request from last year and specifically suggest that the considering reviewing the potential for FAR as well as the comments suggested by Mr. Vivona.

General Consensus was yes.

Mr. Shaw said he would be preparing a Resolution for the meeting of February 18th and distribute for Board review. We will identify FAR as well as the lot width ratio as discussed by Mr. Vivona. A vote will be taken the 18th when you approve the annual report.

Work Session Closed.

New York SMSA
D/B/A Verizon Wireless
Pine Street
Block: 83 Lot: 3.

Calendar BOA 15-83-3

Mr. Ferrara, Attorney
Mr. Borsinger read the site visit report into record.

Mr. Vivona explained that the Board would try to get through as many witnesses as possible. After each witness is finished the Public will have a chance to ask questions only of their testimony. When all the witnesses have testified than the public may make statements. He noted that there will be no protesting/signs allowed in the building.

Mr. Shaw noted that relative to any letters or things distributed you are not allowed to consider them. Anyone submitting said letter will hopefully be present to state their opinions on the record. Mr. Shaw noted that the letter in question that had been sent to the Board members could not be evidential because the Board could not cross examine a signature. We will mark it as objector and received but not as evidence (exhibit 01).

Minutes/Transcript to be prepared/submitted by applicant.

The applicant was schedule to continue his presentation of this application at a Special Meeting to be held on April 13, 2016 without further legal notice. Mr. Shaw asked that counsel send a letter to us extending the period of action to that date.

Mr. Vivona closed this part of the hearing so they could go into Executive Session.

Resolution:

2016-011 Executive session concerning the New Cingular Buxton Water Tower litigation.

Motion was made by Mr. Hyland, 2nd by Mrs. Romano, all in favor.

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Mr. Vivona said they were back on the record after reviewing some litigation. It would now be appropriate for a Board Member to make a motion, based on what was discussed to authorize me to file an appeal to the Buxton decision.

Mrs. Romano made a motion to file an appeal for the Buxton Decision, seconded by Mr. Weston.

Roll Call:

Mr. Vivona, Yes, Mrs. Romano, Yes, Mr. Hyland, Yes, Mr. Weston, Yes, Mr. Style, Yes, Mr. Williams, recused.

Motion to adjourn the meeting was made by Mrs. Romano, 2nd by Mr. Williams.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Mary Ann Fasano".

Mary Ann Fasano
Transcribing Secretary

Meeting Adjourned

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mary Ann Fasano". The signature is written in a cursive, flowing style.

Mary Ann Fasano
Transcribing Secretary